

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF OREGON**

In re
JAMES E ZWAANSTRA

) Case No. 310-40784-rld13
)
) Confirmation Hearing Date: Jan 27, 2011
)
) TRUSTEE'S OBJECTION TO
) CONFIRMATION; AND
Debtor(s)) MOTION(S) THEREON

THE TRUSTEE:

1. Objects to confirmation for the reason(s) marked below:

a. Attorney fees sought are excessive;
 b. Case not filed in good faith/Plan not proposed in good faith;
 c. Plan is not feasible;
 d. Plan does not commit all of the debtor's excess projected disposable income pursuant to §1325(b)(1)(B) for the applicable commitment period;
 e. Plan does not meet best interest test;

f. Filing/ documentation deficient: **as requested at the §341(a) hearing, please provide the Trustee with the following:**

1. **Explanation of the rent expense on line 15 of the Exhibit D-2;**
2. **Explanation of the rent income as stated on Schedule I line 8;**
3. **Amended Exhibit D-2 that includes the debtors self employment taxes; and**
4. **Amended Schedule J that no longer includes the income taxes.**

g. Other: **as requested at the §341(a) hearing, please make the following changes to the Plan:**

1. **¶2(b)(1) strike IRS in its entirety;**
2. ¶2(b)(1) change the equal monthly payments as it pertains to "BMW (same vehicle)" to "all avail funds after attorney fees";
3. ¶2(b)(1) change the equal monthly payments as it pertains to "ODR" to "all avail funds after BMW (same vehicle)";
4. ¶2(b)(1) change the equal monthly payments as it pertains to CitiMortgage 1st to "all avail funds after ODR"
5. ¶2(b)(1) change the equal monthly payments as it pertains to CitiMortgage 2nd to "all avail funds after CitiMortgage 1st"; and
6. Add ¶12 using the standard language for filing of the debtors quarterly tax returns.
2. If, not less than 10 days prior to the confirmation hearing, the debtor fails to take all necessary steps to satisfy each objection marked above (e.g., file an amended plan using LBF #1355.05, file all documentation noted in 1.f., etc.), the trustee must promptly file this document. If this document is filed, the trustee moves the court for an order per the section(s) marked below:

a. Move that the debtor's attorney's fee request be modified as follows:
 and/or

b. (If any section other than 1.a. is marked above) move that the case be dismissed without further notice.

3. Certifies a copy of this document was served on the debtor and debtor's attorney, if any, by hand at the first meeting of creditors on N/A, or by mail on December 23, 2010.

DATED: December 23, 2010

/s/ Wayne Godare
Trustee

CHRISTOPHER J KANE

1350.70 (06/24/97)(jt)